

REMARKS

The Applicants do not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that this response be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated November 10, 2005 has been received and considered by the Applicants. Claims 1-10 are pending in the present application for invention. Claims 1-10 are rejected by the November 10, 2005 Final Office Action.

Claims 1-10 are rejected under the provisions of 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the specification does not teach how a task is started during a predetermined time period. The MPEP at §2163 states that in order to "satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." *Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003).

The Applicant, respectfully, draws the Examiner's attention to the specification of the present invention on page 4, lines 6-7 which states that within "high-quality systems, a task can have a predefined number of periods during which it is allowed to run." [Emphasis added]

The specification to the present invention details embodiments of real time operating systems (page 4, lines 14-27). The specification to the present invention on page 5, lines 19-20 states that each task is ready to run at the beginning of its period and is therefore started to run at the beginning of a period.

The Applicants further draw the Examiner's attention to the discussion related to real time processing and task management contained within the specification. On page 5, beginning on line 14, the specification discusses Figure 2 and periodic tasks. The periodic tasks have priorities, periods and budgets. Each task has a period and the period is known i.e. predetermined. That the periods for the tasks are known (predetermined) will be readily apparent to any person skilled within the art. In fact the section clearly states that the priority of a task is determined by the period.

The Applicant, respectfully, asserts that a person skilled in the art will understand that tasks within real time operating systems operate within predetermined time periods and that the scheduling of tasks takes place in consideration of these predetermined time periods. A person skilled in the art would understand from the specification to the present invention that the Applicant had possession of the invention as defined by the rejected claims. Therefore, the specification does teach that a task is started during a predetermined time period.

Claims 1-10 are rejected under the provisions of 35 U.S.C. §112, second paragraph, as failing to comply set forth the subject matter which the applicant regard as his invention. The Examiner states that the specification does not mention that the first task is started during a predetermined time period.

The MPEP at §2171 states that there are two Separate Requirements for claims under 35 U.S.C. §112, second paragraph, (A) the claims must set forth the subject matter that applicants regard as their invention, and (B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

The MPEP at §2172 states regarding (A) subject in which applicants regard as their invention that a "rejection based on the failure to satisfy this requirement is appropriate only where applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention. *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971)."

The MPEP at §2172 further states that "the content of applicant's specification is not used as evidence that the scope of the claims is inconsistent with the subject matter which applicants regard as their invention. As noted in *In re Ehrreich*, 590 F.2d 902, 200 USPQ 504 (CCPA 1979), agreement, or lack thereof, between the claims and the specification is properly considered only with respect to 35 U.S.C. 112, first paragraph; it is irrelevant to compliance with the second paragraph of that section."

The Applicant, respectfully, points out that this rejection is not a proper under the provisions of 35 U.S.C. §112, second paragraph, as failing to comply set forth

the subject matter which the applicant regard as his invention. This is the same rejection as that discussed, *supra*, related to the rejection under 35 U.S.C. §112, first paragraph. Accordingly, this rejection is traversed.

Claims 1, 5 and 7-8 are rejected under the provisions of 35 U.S.C. §103(a) as being as being obvious over US Patent No. 6,108,683 issued in the name of Kamada (hereinafter referred to as Kamada) in view of US Patent No. 5,524,247 issued in the name of Mizuno (hereinafter referred to as Mizuno). The Examiner's position is that Kamada teaches all of the subject matter defined by the rejected claims except that Kamada does not disclose the blocking and preventing of the first task from resuming during the period. The Applicants, respectfully, point out that there is no disclosure or suggestion within Kamada for preventing the first task from resuming running during the predetermined time period.

The Examiner's position is that Mizuno teaches scheduling the resource including the CPU being allocated to any state other than the "lock wait" state. The Applicants, respectfully, point out that the "lock variable" is defined by Mizuno on col. 1, lines 52-59 as a shared variable used by numerous threads (tasks). The "lock wait" state occurs once one of the threads is currently using the shared variable (see col. 1, lines 60-64) to prevent other threads from using the shared resource. There is no disclosure or suggestion that within Mizuno that any of the other threads are prevented from running while the shared resource is in the "lock wait" state. The Examiner refers to col. 7, lines 53-59 and states that T3 remains in the lock state during the first execution time. The Applicants, respectfully, point out that the rejected claims defines subject matter for a third step of preventing that the first task resumes running during the predetermined time period. Mizuno does not disclose or suggest preventing that the first task resumes running during the predetermined time period. The subject matter for preventing that the first task from resuming running during the predetermined time period is not disclosed or suggested by the combination of Mizuno with Kamada.

Claim 2 is rejected under the provisions of 35 U.S.C. 103(a) as being obvious over Kamada in view of Mizuno and further in view of US Patent No. 5,838,968 issued in the name of Culbert (hereinafter referred to as Culbert). The Examiner's position is that Kamada combined with Mizuno do not teach the subject matter for

"context switching" as defined by the rejected Claim 2; but that Culbert teach this subject matter. The Applicants, respectfully, point out that "context switching" as defined by a Culbert on col. 4, lines 60-61 is "the act of changing out one task currently executing on a processor for another task". Rejected Claim 2 defines subject matter for the second step of detecting that the first task blocks during the predetermined time period is based upon context switch information. The Applicants, respectfully, point out that the definition and use of context switching within Culbert is completely inconsistent with that definition that is supplied context switching within rejected Claim 2. Therefore, while Culbert employs the term context switching, the definition supplied that term is wholly inconsistent with the definition supplied that term by rejected Claim 2. There is no disclosure or suggestion within Culbert to implement context switch information to detect that a task is blocking. Therefore, this rejection is traversed.

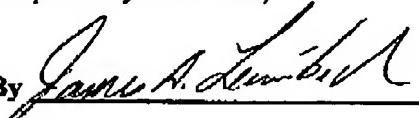
Regarding Claims 3 and 6 is rejected under the provisions of 35 U.S.C. 103(a) as being obvious over Kamada in view of Mizuno and further in view of US Patent No. 5,838,968 issued in the name of Culbert (hereinafter referred to as Culbert). The Examiner's position is that Kamada combined with Mizuno and Culbert teach the subject matter defined by rejected Claims 3 and 6. The Examiner indicates that Culbert teach "suspend resume" at col. 6, lines 47-50. The Applicants further point out that there is no disclosure or suggestion within the cited references for detecting that the first task blocks during the period as defined by Claims 3 and 6. Moreover, there is no disclosure or suggestion within the cited references for detecting that the first task blocks during the predetermined time period as defined by Claims 3 and 6 after the foregoing amendment to the claims. Therefore, this rejection is traversed.

Claim 4 depends from Claim 3, which as discussed above is believed to be allowable, therefore, Claim 4 is believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

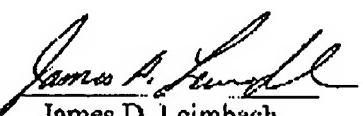
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